IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 26166 of 2003

Between:

A.Srinivasulu S/o.Nagabhushanam
Malyala, Mahabubabad,Warangal District

... PETITIONER

AND

1 The Person-in-Charge/chairman P.A.C.S.,Malyala, Mahabubabad,Warangal District
2 The Divisional Co-operative officer, Mahabubabad, Warangal District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the order dated 9-12-2003 in R.C.No.Enquiry/03 issued by the 1st respondent is illegal and arbitrary

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondent No.2: GP FOR COOPERATION

Counsel for the Respondent No.1: None Appeared

The Court made the following order:

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ORDER:

Petitioner questions the orders of the first respondent dated 09.12.2003 in placing him under suspension pending enquiry pursuant to the direction of the District Collector vide his proceedings dated 09.12.2003 to facilitate the smooth conduct of enquiry under Section 51 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act') on the allegation that the petitioner committed certain irregularities during the disbursement of SAO loans Kharif 2003 to the members of the society. The said order was suspended by this Court by order dated 17.12.2003 in WPMP.No.33058 of 2004.

It is stated by the learned counsel for the petitioner that pursuant to the orders of the District Cooperative Officer, Warangal dated 06.07.2004, to conduct enquiry under Section 51 of the Act, the Cooperative Sub-Registrar of the Office of the District Cooperative Officer, conducted a detailed enquiry and submitted a report vide his proceedings in RC.No.5/Inquiry/Malyala/2004 dated 18.10.2004. The Enquiry Officer in the enquiry report found that the employees of the Malyala PACS as well as the Ex-President of the Managing Committee have not committed any legal offences and all the details of expenditure were recorded in the Cash Book. Hence, no criminal action is necessary against any of them.

In view of the said enquiry report, I am of the opinion that it is just and proper to direct the society to consider the same and pass appropriate final orders against the petitioner. As the suspension of the petitioner was suspended by this Court the same shall be continued pending final orders that may be passed by the society pursuant to the enquiry report of the enquiry officer dated 18.10.2004.

Accordingly, the writ petition is disposed of. No costs.

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V. ESWARAIAH, J

November 11, 2004

Dsk

To

1 The Divisional Co-operative officer, Mahabubabad, Warangal District

2 The Person-in-Charge/chairman P.A.C.S.,Malyala, Mahabubabad,Warangal District.

3 Two CCs to GP For Cooperation, High Court Buildings, Hyderabad (OUT)

4 Two CD Copies.